

# Land Law (Ireland) Bill.

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## ARRANGEMENT OF CLAUSES.

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###### Clause.

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## SCHEDULE.

A  
B I L L

TO

Further amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto. A.D. 1896.  
—

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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## PART I.

PART I.

## LAND LAW.

*Fair Rents.*

1.—(1.) On the expiration of a statutory term in a present tenancy the tenancy shall continue a present tenancy subject to the same rent and conditions (including the statutory conditions) as during the statutory term, until the tenancy is determined, or a new statutory term for the holding begins, and an application to fix a fair rent may be made at any time during such continuance of the tenancy; and no objection to such application shall be allowed which could have been but was not taken upon the application for a previous judicial rent, or being then taken was overruled. Statutory term and beginning of judicial rent.  
44 & 45 Vict.  
c. 49.

(2.) Where the court on application fix a judicial rent for a holding, the judicial rent and statutory term shall begin from the gale day next after the date of the application, or if a preceding statutory term is then current, from any later gale day on which that statutory term expires.

(3.) The judicial rent fixed by order of the court for a holding shall, as from the gale day from which it begins, be the rent payable [Bill 177.]

A.D. 1896. by the tenant of the holding; and where it differs from the previous  
 PART I. rent, whether or not a judicial rent, then in respect of the period  
 which may have elapsed since the gale day from which it  
 began, the difference, if the judicial rent so fixed is higher than  
 the previous rent, shall be paid by the tenant, and if the judicial 5  
 rent so fixed is lower, may, if it has been actually paid by the tenant,  
 be deducted from any rent subsequently payable by him to the  
 landlord to whom such difference has been paid, or to his per-  
 sonal representatives, or where the estate of such landlord has  
 determined may be recovered from such landlord or his personal 10  
 representatives.

Exclusion  
 of certain  
 holdings.  
 See  
 44 & 45 Vict.  
 c. 49, s. 58.  
 50 & 51 Vict.  
 c. 33, s. 9.

2.—(1.) The Land Law Acts, except section six of the Land Law  
 (Ireland) Act, 1881 (which amends the Landlord and Tenant  
 (Ireland) Act, 1870, in respect of compensation for improvements),  
 shall not apply to the following tenancies:— 15

- (a.) To a tenancy in any holding which is not substantially either  
 agricultural or pastoral in its character, or partly agricultural  
 and partly pastoral:
- (b.) To a tenancy in any holding which substantially consists of—
  - (i) land being a home farm; or 20
  - (ii) land which when first demised was held as demesne, and  
 which the provisions of the contract of tenancy, or the  
 circumstances of the case, show was intended to be  
 preserved as demesne or resumed as demesne at the will  
 of the landlord; or 25
  - (iii) land annexed to, or incorporated in, a demesne by the  
 tenant, and forming part of a demesne at the time the  
 application to fix a fair rent is made:
- (c.) To a tenancy in any holding ordinarily termed a town park,  
 which adjoins or is near to any city or town, and bears an 30  
 increased value as accommodation land over and above the  
 ordinary letting value of land occupied as an ordinary farm,  
 except where such town park is let and used substantially as  
 an ordinary farm, whether agricultural or pastoral, or partly  
 agricultural and partly pastoral: 35
- (d.) To a tenancy in a holding (other than a holding let to be  
 used wholly or mainly for a dairy farm) which is let to be used  
 wholly or mainly for the purpose of pasture—
  - (i) if it is of the rateable value of *one hundred pounds* or  
 upwards; or 40

(ii) if the tenant does not actually reside on the holding, or where the holding adjoins or is ordinarily used with another holding to which the Land Law Acts apply, then on the latter holding :

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5 (2.) Provided that nothing in the foregoing provisions of this section shall extend to any holding in respect of which a judicial rent has been fixed before the commencement of this Act.

(3.) Where a distinct and substantive part of the property held under one demise is demesne land, or is not agricultural or pastoral in its character, or is an incorporeal hereditament, and the court consider that that part is not the substantial part of such property, the court may direct that that part shall thenceforth be, or, if it is an incorporeal hereditament, be treated as, a separate holding, and be held at such rent during the continuance of the tenancy as the court determine to be the proper proportion of the rent reserved by the demise, and the court may fix a fair rent for the remainder of the property held under the demise, and the said Acts shall apply to that remainder as if it were a separate holding.

20 3.—(1.) For the purpose of an application to fix a fair rent, the tenant of a holding shall be deemed to be in bonâ fide occupation thereof notwithstanding —

Exclusion by subletting of holding. See 41 & 45 Vict. c. 49. s. 5, 21, 37. 50 & 51 Vict. c. 33. s. 4.

25 (a) that any dwelling-house on the holding, not being the dwelling of the tenant, and not having been erected by the tenant in breach of his contract of tenancy or of a statutory condition, is sublet to or in the occupation of another person; or

30 (b) that any other part of the holding is, otherwise than in breach of the contract of tenancy, or of a statutory condition, sublet to or in the occupation of another person, if in the estimation of the court a part not less than *seven-eighths* or thereabouts in value of the holding remains in the bonâ fide occupation of the tenant; and if the sub-letting was made before the passing of the Land Law (Ireland) Act, 1887, or was substantially in substitution for a letting existing before  
35 that date;

50 & 51 Vict. c. 33.

Provided that this enactment shall not apply unless the court think it reasonable to entertain the application having regard to the acreage of the holding and to any other matter which they think should be taken into consideration, and the court may entertain

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44 &amp; 45 Vict.

c. 40. §

the application notwithstanding that any such house or part of a holding is occupied by a person to whom it has been sublet in contravention of section two of the Land Law (Ireland) Act, 1881.

(2.) Where a part of the property held under one demise is sublet, and the property was let to the tenant subject to the tenancy of some other person in the part sublet, the court may direct that the part so sublet shall thenceforth be, or if it is an incorporeal hereditament be treated as, a separate holding, and shall be held during the continuance of the tenancy at such rent as the court determines to be the proper proportion of the rent reserved by the demise, and the court may fix a fair rent for the remainder of the property held under the demise, and the Land Law Acts as amended by this Act shall apply to that remainder, as if it were a separate holding;

Provided that if the landlord so elect, the court shall order that the tenant of the part so sublet shall be the tenant of such landlord as his immediate landlord.

Amendment  
as to im-  
provements.

4.—(1.) Where an application is made to the court to fix a fair rent for a holding, the court shall ascertain whether any improvements on the holding—

(a) if claimed by the tenant have been made wholly or partly by or at the cost of the tenant without his having been paid or otherwise compensated for them by the landlord; and

(b) if claimed by the landlord have been made wholly or partly by or at the cost of the landlord;

and shall record any improvements so made which they consider to be capable of accurate record, and that record shall be admissible in evidence on its mere production from the proper custody.

(2.) No rent shall be allowed or made payable in respect of an improvement made by the tenant on a holding, by reason only of the work constituting such improvement not being suitable to the holding.

(3.) In fixing the fair rent for a holding where it appears to the court that after an allowance by way of interest has been made to the tenant on account of the present value of an improvement, such allowance falls short of the return equitably due to the tenant in respect of any benefit to the holding from such improvement, the court shall make such further allowance to him, as having regard to the nature of the improvement and the interests of the landlord and tenant respectively, and considering all the circumstances, the court may deem just.

(4.) For the purpose of an application to fix a fair rent, a tenant shall not be deemed to have been paid or compensated for any improvement not coming within the provisions of any contract, except to the extent to which, in the opinion of the court, any money or money's worth has been given by the landlord in respect of the improvement.

(5.) A contract by a tenant not to claim on quitting his holding compensation for any improvement made by him, if money or money's worth was not given in respect of the entering into that contract, shall not authorise the allowance of any rent in respect of any improvement.

(6.) Section four of the Landlord and Tenant (Ireland) Act, 1870, shall not authorise the allowance of any rent in respect of any improvement, provided that rent may be allowed in respect of an improvement made by the tenant—

(a) if made in pursuance of a contract for which money or money's worth was given; or

(b) if made *locum tenens* before the passing of the said Act, and not being a permanent building or reclamation of waste land, and if the said section four would but for the passing of this Act have been applicable to the holding.

(7.) For the purpose of this section, money or money's worth shall be held to have been given where from all the circumstances of the case the court are of opinion that the rent was reduced or abated, or that the land was let to the particular tenant at a lower rent than he would otherwise have paid;

Provided that where the tenant of a holding had before the passing of the Landlord and Tenant (Ireland) Act, 1870, made improvements on a holding held by him under a tenancy existing at that passing, the court, in determining whether and to what extent money or money's worth has been given in respect of such improvements, shall take into consideration the time during which the tenant enjoyed the advantage of the improvements, the rent of the holding, and any benefit received by the tenant from his landlord in consideration, expressly or impliedly, of the improvements so made, but as regards improvements whenever made, neither the letting of the land on lease or otherwise, nor the mere enjoyment of any improvement, shall of itself, apart from other considerations, be held to be money or money's worth.



A D. 1896. (8.) Sub-sections two and four of section five of the Landlord and Tenant (Ireland) Act, 1870, shall not have effect in the case of applications to fix a fair rent.

PART I.  
33 & 34 Vict.  
c. 46.

Amendment  
of  
44 & 45 Vict.  
c. 49, ss. 5 & 8,  
as to  
resumption  
of holding by  
landlord.

5.—(1.) A purpose having relation to the good of the holding or the estate for which a landlord can be authorised to resume a holding or any part thereof under section five of the Land Law (Ireland) Act, 1881, shall include the use of the land as accommodation land for a city or town.

(2.) Any enactment prohibiting the resumption of a holding or part thereof until after the expiration of the first statutory term in a tenancy shall apply only where the term began before the commencement of this Act.

Turbary  
and other  
profits, easements, and  
privileges.

6. Where on an application to fix the fair rent for a holding it is proved to the court that the tenant of the holding, by virtue of his tenancy has by the permission of the landlord, whether with or without payment, been accustomed to exercise any profit a prendre, easement, privilege of turbary, or other privilege over land belonging to the landlord, and it appears to be necessary for the reasonable enjoyment of the holding that he should not be deprived of what he has so exercised, the court may, after giving the landlord and tenant of the holding and any tenant of the land an opportunity of being heard, make an order for securing the profit, easement, or privilege to the tenant of the holding, upon such terms and in such manner as the court think just, and such order shall be binding on all estates and interests in the said land.

Lettings by  
persons not  
absolute  
owners.

7. The Land Law Acts shall apply and be deemed to have always applied in the case of tenancies created by a limited owner or by a mortgagor or mortgagee in possession, where no fine or premium was received, and the tenancies shall not be or be deemed to have been determined (except in the case of fraud or collusion or a letting at a gross undervalue) by the cesser of the interest or possession of such limited owner, mortgagor, or mortgagee, and the person entitled on such cesser to receive the rent of the holding shall stand in the relation of landlord to the tenant of the holding, and have the rights and be subject to the obligations of landlord accordingly.

Tenancy not  
invalidated  
by reason of  
subletting  
by landlord.

8. A contract of tenancy entered into, whether before or after the commencement of this Act, by a landlord in violation, either of the Act of the seventh year of the reign of King George the Fourth,

chapter twenty-nine, intituled "An Act to amend the law of Ireland  
 "respecting the assignment and subletting of lands and tenements,"  
 or of an agreement against subletting in his lease, shall not as  
 between him and the tenant holding under such contract be,  
 or he deemed to have been, void or voidable, and a superior  
 landlord shall be deemed to have expressed a sufficient consent,  
 in the manner in which the consent is required by law to  
 be expressed to a subletting made in violation of such Act or  
 agreement, unless within a reasonable time after the subletting  
 came to the knowledge of himself, or his agent, he served on  
 the lessee or sub-tenant notice of his dissent from the subletting,  
 or instituted a proceeding against the lessee founded upon the  
 said violation.

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9.—(1.) Where a superior landlord recovers against an immediate  
 landlord a judgment in ejectment for nonpayment of the rent of a  
 holding, or of lands including a holding, the estate of the immediate  
 landlord shall be deemed to be determined within the meaning of  
 section fifteen of the Land Law (Ireland) Act, 1881, without  
 prejudice to his right to redeem his interest.

Determi-  
 nation of estate  
 of immediate  
 landlord.44 & 45 Vict.  
 c. 49, s. 15.

(2.) Where the nonpayment was not due to the nonpayment  
 of rent by the tenant of the holding, such judgment shall  
 not be executed against the tenant, and the tenancy of the  
 holding shall not be affected, except that the superior landlord  
 shall stand in the relation of immediate landlord to the tenant,  
 and may proceed accordingly for the recovery of all rent due from  
 the tenant to the immediate landlord, but (except in the case of  
 fraud or collusion or a letting at a gross under value) not for the  
 recovery of the rent due to the superior from the immediate land-  
 lord. If the amount recovered by the superior landlord from the  
 tenant equals or exceeds the amount due to him from the imme-  
 diate landlord, the interest of the immediate landlord shall not be  
 deemed to have been redeemed, but the superior landlord shall pay  
 the excess to the immediate landlord, after deducting any amount  
 due for costs.

10. The Redemption of Rent (Ireland) Act, 1891, shall be  
 amended as follows:—

Amendment  
 of 54 & 55  
 Vict. c. 57.

(a.) The provisions of the Land Law Acts and this Act with  
 respect to improvements shall apply, notwithstanding that the  
 lessee or grantee would not, on quitting his holding, be entitled  
 by reason of his being such lessee or grantee to claim com-  
 pensation for improvements under the Landlord and Tenant  
 (Ireland) Act, 1870.

as to long  
 leases and  
 fee farm  
 grants.53 & 54 Vict.  
 c. 46.

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(b.) A person shall be a lessee or a grantee under a fee farm grant within the meaning of the said Acts notwithstanding that the instrument under which he holds though purporting to create the relation of landlord and tenant, is dated before the first day of January one thousand eight hundred and sixty-one, and by reason of its date does not create the relation of landlord and tenant between him and the person to whom money is payable thereunder in respect of the holding, and that person shall be a lessor or grantor in like manner as if the instrument were executed on or after the above-mentioned day.

Amendment  
of 50 & 51  
Vict. c. 53. s. 1,  
as to time for  
applications by  
leaseholders.

11. Applications under section one of the Land Law (Ireland) Act, 1887, may be made at any time.

Ejectments  
for nonpay-  
ment of rent  
in case of  
holdings  
under Land  
Law Acts.

23 & 24 Vict.  
c. 154.

12. Where an ejectment is brought for the nonpayment of the rent of a holding to which the Land Law Acts as amended by this Act apply, and the rent in arrear exceeds *two years* rent, the tenant may pay, tender, deposit, or lodge under sections sixty to seventy-one of the Landlord and Tenant Law Amendment Act (Ireland), 1860, the sum of *two years* rent instead of the sums therein respectively required to be paid, tendered, deposited, or lodged, and upon such tender, payment, deposit, or lodgment the tenant shall be in the same position under those sections as if two years rent were the sum claimed; and the balance of the rent then due shall remain a debt due by the tenant to the landlord, but shall not be recovered by ejectment for nonpayment of rent or distress.

## Procedure.

Amendment  
of procedure  
for fixing  
judicial rent  
and for re-  
hearing.

13.—(1.) The Land Commission upon an application to them to fix the fair rent for a holding, shall cause the holding to be inspected, in the presence of the parties if they wish to be present, by one assistant commissioner or two assistant commissioners, who on the inspection shall inquire respecting all improvements on the holding and report to the Land Commission—

- (a) the fair letting value of the holding as between the parties inclusive of the value of all improvements thereon;
- (b) the improvements made wholly or partly by or at the cost of the tenant required by this Act to be recorded, in respect of which rent cannot be allowed or made payable, the capital value of those improvements, and the deduction from the rent made in respect of the same;

- (c) the annual sum which should be the fair rent of the holding ; A.D. 1890.  
 (d) the improvements made wholly or partly by or at the cost of the landlord required by this Act to be recorded ; and PART I.  
 (e) such other matters in relation to the holding as may be prescribed.

- (2.) A conditional order shall be made, as of course, fixing as the fair rent of the holding the annual sum so reported and unless cause to the contrary is shown as hereinafter mentioned, shall be made absolute by the Land Commission.
- 10 (3.) The landlord and tenant respectively may, within the prescribed time after the service of the conditional order, show cause against it, and the Land Commission either may, after giving the parties an opportunity of being heard, make absolute the order, with or without modification, or dismiss the application, or may
- 15 remit the case for hearing to a sub-commission, of which any assistant commissioner who reported shall not be a member.

(4.) An order making the conditional order absolute shall not be subject to rehearing as respects the question of value.

- (5.) Where a case is so remitted to a sub-commission and a person
- 20 aggrieved by the order of the sub-commission requires the case to be re-heard by the Land Commission, the prescribed assistant commissioner shall certify whether or not any question of law or of mixed law and fact arose in the proceeding, and shall set forth in the certificate the prescribed particulars respecting the
- 25 case.

- (6.) If the certificate states that a question of law or mixed law and fact arose, that question may be heard and determined by the Judicial Commissioner sitting either alone or with one other commissioner, and after such determination, or, if the certificate states that no question of law or mixed law and fact arose,
- 30 then at any time, the Land Commission may, if they think fit, without hearing the parties, make absolute the order of the sub-commission, with or without modification, or may re-hear the case ; but if either the landlord or the tenant requires the case to be
- 35 re-heard, and lodges the prescribed sum for the costs of the rehearing, the Land Commission shall re-hear the case.

- 14.—(1.) The landlord and tenant of a holding may jointly apply to the court for an order applying this section to the holding, and (except during the first four years of a statutory term), may so
- 40 apply whether there is or is not a statutory term current in respect of the holding.

Fixing of fair rent for 30 years variable with reference to variation of prices.

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(2.) On such application the court may by order apply this section to the holding, and fix all or any of the matters following:—

(a) the customary products of the holding as defined in this section;

(b) if there are more products than one, the relative value of each product as defined in this section; and

(c) if an application to fix a fair rent can be made, the fair rent of the holding;

and the court may fix any matters appearing to them to be incidental to or consequential on the fixing of the matters above mentioned, or otherwise to be necessary for the purpose of that fixing; and the court shall by their order constitute the fair rent so fixed, or where by reason of a statutory term being current an application to fix a fair rent cannot be made, the then existing judicial rent, to be a variable fair rent, and in the latter case may fix such variation of the then existing judicial rent as is authorised under this section at the end of a quinquennial period.

(3.) All or any of the above matters may, either before or after the application, and before the order is made, be fixed by agreement in writing between the landlord and tenant, or by arbitration in pursuance of such agreement, and if so fixed, shall be adopted by the order of the court, and, for the purposes of this section, the fair rent may be so fixed by agreement or arbitration, even though by reason of a statutory term being current no application for fixing a fair rent can be made to the court.

(4.) The provisions of this Act with respect to the fixing by the Land Commission of a fair rent shall, with such necessary modifications as may be prescribed, apply to fixing the matters in this section mentioned other than a variation of any existing judicial rent, and the provisions of this section with respect to varying a variable fair rent at the end of the quinquennial period shall apply to the fixing of such variation.

(5.) Where an order applying this section is made, the statutory term for the tenancy shall be *thirty years*, and such term and the variable fair rent shall begin from the same gale day from which it would have begun if the application had been an application to fix a fair rent, or where the application is made in the *fifth* year of an ordinary statutory term, from any later day at which the said fifth year expires, and on the beginning of such statutory term of thirty years any previously existing statutory term shall be deemed to have expired.

(6.) During the last *twelve months* of each quinquennial period of a statutory term under this section, either the landlord or the tenant may apply in the prescribed form to the Land Commission

to vary the variable fair rent, and thereupon the Land Commission shall determine what variation (if any) ought equitably to be made in the variable rent, having regard—

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(a) to the gazetted prices herein-after mentioned of the customary products of the holding, and their relative value, as compared with the gazetted prices for the calendar year in which the judicial rent was fixed; and

(b) to the extent to which any variation in such prices may be reasonably held to have affected the fairness of the rent of the holding;

and the rent if varied shall as varied be payable for the residue of the term, reckoning from the end of the quinquennial period unless and until it is varied upon a like application under this sub-section.

(7.) An order applying this section may, if it is so provided by the application for the order or by any subsequent agreement between the landlord and tenant, direct that at the end of each quinquennial period the variable fair rent shall, without any order of the Land Commission, vary whether by way of increase or decrease, in proportion to the gazetted price herein-after mentioned of the customary product of the holding when compared with the gazetted price of such product for the year in which the judicial rent of the holding was fixed, or in such other proportion dependent upon that price as may be fixed by the order; and where there is more than one such customary product, the variation shall depend on the net results of the gazetted prices of all such products, in the proportions of their relative value as fixed by the order, after setting off any increase in the price of one product against any decrease in the price of another.

(8.) A like direction may be given by an order made at the end of any quinquennial period in pursuance of any agreement made between the landlord and the tenant.

(9.) During the last *twelve months* of each quinquennial period the customary products of a holding and their relative value may be varied prospectively by agreement made between the landlord and the tenant, and recorded with the Land Commission.

(10.) During the last *twelve months* of a statutory term under this section, an application may be made by the landlord and the tenant jointly to continue under this section, or by either of them to fix a new fair rent for the ordinary statutory term under the Land Law Acts. If no such application is made, this section and the provisions for varying the rent at the end of every quinquennial period

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which applied to the holding during the statutory term, shall continue to apply to the holding until the end of a quinquennial period during the last twelve months of which such an application has been made to the court as above provided in this sub-section, and such an application may be made during the last twelve months of any quinquennial period, but at no other time.

(11.) For the purposes of this section the expression "the customary products of a holding," means the agricultural and pastoral products which are usually produced on the holding, or such of them as are to be considered for the purposes of fixing or varying the rent; and "the relative value of a product" means the approximate proportion of value which each product may be considered to contribute to the total value of the customary products of the holding.

(12.) For the purpose of this section the Land Commission shall ascertain, with respect to each province or such other area as they think most suitable, the following prices of what they consider to be the agricultural and pastoral products of that province or area, namely—

- (a) in respect of the year one thousand eight hundred and eighty-two the average prices of the preceding year, and in respect of the year one thousand eight hundred and eighty-three the average prices of the *two* preceding years, and in respect of the year one thousand eight hundred and eighty-four the average prices of the *three* preceding years, and in respect of the year one thousand eight hundred and eighty-five the average prices of the *four* preceding years; and

(b) in respect of each subsequent calendar year the average prices of the *five years* last preceding that year; and the Land Commission shall publish the prices so ascertained in respect of each year in the Dublin Gazette at such times as they think most convenient for giving information to all persons interested, and the prices so ascertained and published in respect of each year shall be the gazetted prices for that year.

(13.) The Land Commission may also, whenever a holding is inspected by an Assistant Commissioner or other officer of the Commission, obtain in the prescribed manner information with respect to the customary products of holdings, and their relative value.

(14.) An application under this section shall be deemed to be a joint application, where the Land Commission are satisfied, that either the landlord or tenant has served upon the other the

prescribed notice requesting him to join in the application, and the person upon whom the notice was served has not within the prescribed time after such service given notice of his refusal to join therein.

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- 5 15.—(1.) After the commencement of this Act a county court shall not have any jurisdiction, either to dispose of an application to fix a fair rent, or in relation to any proceeding under the Land Law Acts, or this Part of this Act, and the Land Commission shall alone be deemed to be the court within the meaning of those Acts and this part of  
10 this Act; and any such application or proceeding which is pending at the said commencement in any county court shall be transferred to the Land Commission, and all records and papers relating to any application or proceeding under the Land Law Acts, whether so  
15 pending or not, shall be transferred to the Land Commission, by such persons, and in such manner, and in accordance with such regulations, as the Land Commission may direct and make.

County court jurisdiction.

- (2.) Where an ejectment is brought in any county court for the nonpayment of the rent of a holding and an application to fix a fair rent, whether made before or after the ejectment was  
20 brought, is pending, the court shall, unless they consider that the application is not bona fide, stay the proceedings in such ejectment until the application has been disposed of.

See 50 &amp; 51 Vict. c. 38. s. 6.

16. On any application under the Land Law Acts, as amended by this Act, an order may, subject to the prescribed regulations, be made by the court, appointing some person limited  
25 administrator of a deceased person for the purpose of such application, and such order may be made whether such deceased person did or did not die before the application, or make a will which was not proved.

Amendments of procedure as to limited representation of deceased person.

30

## PART II.

PART II.

## LAND COMMISSION AND LAND JUDGE.

- 17.—(1.) The Lord Chancellor, the Land Judge of the Chancery Division of the High Court, and the Judicial Commissioner of the Land Commission, or any two of them (of whom the Lord Chan-  
35 cellor shall be one) may make rules for the following purposes, namely:—

Regulations as to interchange of duties of the Land Judge and the Judicial Commissioner of the Irish Land Commission.

- (a.) To enable the Land Judge to act as an additional Judicial Commissioner of the Land Commission—

- 40 (i) in any matter arising under the Land Purchase Acts as amended by this Act; or



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## PART II.

(ii) in any appeal or rehearing under the Land Law Acts as amended by this Act;

(b.) To enable the Judicial Commissioner of the Land Commission to exercise any jurisdiction, powers, and duties, so far as existing at the commencement of this Act,

(i) of the High Court or any judge thereof, either as successors of the Landed Estates Court and the judges thereof, or under the Record of Title (Ireland) Act, 1865, or the Local Registration of Title (Ireland) Act, 1891; and

(ii) of the Land Judge and of the Receiver Judge under any enactment conferring any jurisdiction upon either of such judges as such;

(c.) To enable the High Court to distribute the proceeds of any sale under the Land Purchase Acts, and to enable the Land Commission to carry into effect any sale under those Acts ordered by the High Court.

(2.) For carrying into effect any such rules, and exercising the jurisdiction, powers, and duties arising thereunder, the Land Judge shall be deemed to be an additional Judicial Commissioner of the Land Commission, and the Judicial Commissioner shall be deemed to be an additional Land Judge.

(3.) The Land Judge as respects officers of the Supreme Court who are attached to such judge, or otherwise employed in or about the execution of any such jurisdiction, powers, and duties as may under this section be exercised by the Judicial Commissioner, and the Judicial Commissioner, so far as respects the officers of the Land Commission, may direct those officers to perform such duties as he thinks fit under the Land Commission or under the Land Judge, as the case may be, and those officers shall perform those duties.

(4.) The Land Judge and the Judicial Land Commissioner may also make regulations for carrying into effect any rules made in pursuance of this section, and for the mutual relations between the Land Judge and the officers of the Supreme Court on the one side, and the Land Commission and their officers on the other, and in particular for the payment into the High Court of money to be distributed among the parties entitled thereto, and for the Land Commission carrying into effect any sales under the Land Purchase Acts ordered by the High Court.

(5.) Subsections two and three of section fifty of the Land Law (Ireland) Act, 1881, shall apply to rules made under this section.

44 & 45 Vict.  
c. 49.

(6.) The first rules under this section shall be made as soon as practicable after the commencement of this Act.

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## PART II.

18. The Lord Chancellor may nominate any judge of the High Court with his consent to act for the time specified by the Lord Chancellor as an additional Land Judge for the purposes of the Record of Title (Ireland) Act, 1865, and the Local Registration of Title (Ireland) Act, 1891, and the judge so nominated shall have during that time the jurisdiction of the Land Judge for those purposes.

Power to nominate judge to act as additional land judge for certain purposes.  
28 & 29 Vict. c. 88,  
34 & 35 Vict. c. 66.

10

## PART III.

## PART III.

## LAND PURCHASE.

19.—(1.) In the case of every advance made after the commencement of this Act the purchase annuity shall be calculated and payable—

Alteration of mode of calculating purchase annuity.

15 (a) during the first decade of the annuity, upon the total advance; and

(b) during the second and third decades, upon the portion of the advance which is ascertained, as provided by this section, to be unpaid at the end of the previous decade; and

20 (c) after the end of the third decade, upon the portion of the advance which is ascertained, as provided by this section, to be then unpaid,

and shall continue to be paid until the whole advance is ascertained as provided by this section to have been repaid.

25 (2.) The Land Commission shall, in accordance with such rules as the Treasury may make—

(a) at the end of each of the said decades ascertain how much of the advance has been repaid by means of the accumulation during the decade of that portion of the purchase annuity which represents repayment of capital, and the residue of the advance shall be the unpaid amount upon which the subsequent annuity is to be calculated and paid; and

30 (b) ascertain when the whole advance has been repaid by means of the accumulation of that portion of the purchase annuity which represents repayment of capital.

35 (3.) If the proprietor of a holding charged with an annuity applies to the Land Commission within the prescribed time and in the prescribed manner, prior to the end of each of the said decades,

A.D. 1896. that the annuity during the next decade shall not be reduced under  
 PART III. this section, no alteration of the annuity shall then be made.

(4.) The amount of the annuity, when re-calculated as provided by this section, shall be certified by the Land Commission, and that certificate shall be conclusive for all purposes, and shall be sent by them to the registration authority under the Local Registration of Title (Ireland) Act, 1891.

54 & 55 Vict.  
 c. 69.

(5.) The foregoing provisions of this section shall apply in the case of an annuity for any advance made under the Land Purchase Acts before the commencement of this Act, subject as follows:—

- (a) where more than *ten years* have elapsed since an annuity for the repayment of the advance began, the amount of the advance remaining unpaid shall be ascertained as at the end of the last completed decade since that beginning, and the reduction of the annuity in the current decade shall date from the gale day next after the commencement of this Act;
- (b) In a case where purchaser's insurance money has been paid, the amount so paid, and not set off against arrears, shall be taken into account at the end of the first decade, as if it were a portion of the purchase annuity which represents repayment of capital; and the provisions with respect to setting off against arrears purchaser's insurance money so paid shall not apply after the end of such decade.

Application  
 of part of  
 Act to  
 annuities  
 under  
 32 & 33 Vict.  
 c. 42.

20. The foregoing provisions with respect to the calculation of a purchase annuity may be applied by the Land Commissioners with the necessary modifications, to the calculation of the instalments of an annuity by means of which any mortgage debt is payable under section fifty-two of the Irish Church Act, 1869.

Abolition of  
 county per-  
 centage.  
 54 & 55 Vict.  
 c. 48.

21. The amount which under the Purchase of Land (Ireland) Act, 1891, is required to be applied as county percentage shall when received in respect of an instalment of the annuity falling due after the commencement of this Act cease to be so applied and shall be paid to the National Debt Commissioners and applied as a portion of the purchase annuity which represents repayment of capital.

Abolition of  
 purchaser's  
 insurance  
 money.

22. In the case of any advance after the commencement of this Act for the purchase of a holding, purchaser's insurance money shall not be payable.

As to guar-  
 antee deposit.

23.—(1.) The Land Commission on making an advance may dispense with the whole or any part of the guarantee deposit being made or retained if they think the security for the repayment of the advance is sufficient without it.

(2.) The Land Commission may, if they think fit, on application, pay to the persons entitled thereto the whole or any part of the guarantee deposit made or retained in respect of advances under the Purchase of Land (Ireland) Act, 1891, except in a case where any part of the deposit has been actually applied in pursuance of the Land Purchase Acts.

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PART III.

54 & 55 Vict.  
c. 48.

(3.) In the case of any advance made otherwise than under the Purchase of Land (Ireland) Act, 1891, the Land Commission may pay out of the guarantee deposit to the person entitled thereto a sum equal to the portion of the advance which at the end of any decade is ascertained under the provisions of this Act to have been repaid.

54 & 55 Vict.  
c. 48.

24. As respects every advance under the Land Purchase Acts for a purchase in pursuance of an agreement made after the commencement of this Act, the following provisions shall have effect; (that is to say,)

Advance by means of money in place of stock.

(a.) The advance shall be made by means of money and not of guaranteed land stock, and guaranteed land stock shall cease to be issued, and everything which under the said Acts may be done by means of a transfer or issue of guaranteed land stock may be done by the payment of a sum of money equal to the nominal amount of that stock.

(b.) The sums required by the Land Commission for advances shall be advanced to them by the National Debt Commissioners in pursuance of section one of the Purchase of Land (Ireland) Amendment Act, 1888.

51 & 52 Vict.  
c. 49.

(c.) The Land Commission shall pay out of the Land Purchase account to the National Debt Commissioners an amount equal to the aggregate of the current half-yearly instalments of the purchase annuities on all the advances, and the National Debt Commissioners shall, in manner prescribed by the Treasury ascertain the portion of such payments which represents repayment of capital, and shall accumulate the same for the purpose of discharging the said advances.

(d.) Subsection four of section four, and section six, of the Purchase of Land (Ireland) Act, 1891, shall have effect as if the payments directed by this section to be made to the National Debt Commissioners were substituted for the dividends and sinking fund payments, and subsection four of section four and subsection two of section nine, and subsection ten of section fifteen of the said Act shall have effect as if the

54 & 55 Vict.  
c. 48.

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accumulation of that portion of the purchase annuity which represents capital were substituted for the sinking fund, and as if that portion of the payments made to the National Debt Commissioners [which represents the repayment of capital were substituted for the sinking fund payments paid out of 5 the purchase annuities.

- (c.) The power of making rules under section twenty-seven of the said Act shall extend to the making of rules for carrying into effect this section.

Expediting  
proceedings  
on sales.  
See  
50 & 51 Vict.  
c. 33, s. 14,  
and  
51 & 52 Vict.  
c. 49, s. 3.

25.—(1.) Where an agreement has been made for the purchase 10 of a holding, and the Land Commission consider that the purchase money is adequate in amount, and are satisfied that the person purporting to be the landlord or his mortgagee has, by himself or by his agent, or a receiver, been, for not less than *six years*, in receipt of the rents of the holding, and have ascertained in the prescribed 15 manner that the estate in respect of which such person claims as landlord is sufficient to constitute him a person having power to sell under the Land Purchase Acts, he shall be deemed to be *prima facie* entitled to carry such agreement into effect; but if it appears to the Land Commission that the said estate is a lease- 20 hold for years not renewable for ever, they shall cause the prescribed notice to be given to the person who is entitled in reversion on the expiration of the lease.

(2.) Where the Land Commission are satisfied that the persons purporting to be the landlord and the tenant are *prima facie* entitled 25 to carry into effect an agreement for the purchase of a holding, and sanction an advance for the purchase of a holding, they shall, as soon as may be, make a vesting order to the effect that the amount of the advance be paid into the High Court to the prescribed credit to abide the order of that Court, and that on such 30 payment the holding shall vest in the purchaser.

(3.) The vesting order shall be effectual to vest in the purchaser, and charge the purchase annuity on, the fee simple and inheritance of the holding purchased, subject—

- (a) to such exceptions and reservations (if any) as may be 35 specified in the agreement for purchase and approved by the Land Commission respecting any right reserved to the vendor or superior landlord as to mines, timber, and fishery, or other rights; and
- (b) to any public rights affecting the holding; and 40

(c) to the provisions of this Act respecting the tenant's interest, and respecting easements, rights, and privileges ;

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but, save as aforesaid, discharged from all claims, whether estates, charges, reservations, covenants, conditions, interests or incumbrances whatsoever, as well of Her Majesty the Queen, and any superior landlord, as of all other persons whomsoever (except the tenant and persons claiming under him) who are interested in the holding, whether as incumbrancers or otherwise, and all such claims shall cease as against the holding, and shall attach to the purchase money paid into the High Court in respect of the holding, in like manner as immediately before the sale they attached to the holding.

(4.) The money so paid into the High Court shall be distributed and dealt with by that Court in like manner as if it were the proceeds of the sale of an estate sold under the Landed Estates Court (Ireland) Act, 1858, and for the purpose of such distribution of or dealing with the said money, the High Court may, if it appears to such Court necessary, ascertain the amount or value of such claims as above mentioned, and cause that amount or value to be discharged, redeemed, or satisfied out of the said money.

21 & 22 Vict.  
c. 72.

(5.) The vesting order shall be an order securing an advance within the meaning of section eighteen of the Land Law (Ireland) Act, 1887, and that section shall apply accordingly.

(6.) The interest vested by the vesting order in the purchaser shall be deemed to be a graft upon the previous interest of the tenant in the holding, and shall be subject to any rights or equities arising from its being such graft: Provided that any then subsisting charge on such previous interest which was created under any Act in respect of some improvement on the holding, shall be a charge on the estate vested in the purchaser by the vesting order next after the purchase-annuity.

(7.) If any guarantee deposit is paid or retained, the amount thereof shall be excepted from the payment into the High Court, and held by the Land Commission, but the vesting order shall take effect and the right to the deposit be determined, as if the amount had been paid into that Court with the rest of the purchase money.

(8.) Where the Judicial Commissioner certifies that the estate is free from incumbrances (as defined by the Land Law (Ireland) Act, 1887), and that the purchase money can be paid or distributed immediately, the advance need not be paid into the High Court,

50 & 51 Vict.  
c. 83.

and this section shall apply in like manner as if it were so paid.

A.D. 1893.

## PART III.

Framing of  
and dispens-  
ing with  
vesting order  
and registra-  
tion of  
title on  
purchase.

26.—(1.) The Land Commission shall prepare the vesting order, or if they see fit to dispense therewith, shall fiat the agreement for the purchase of the holding, subject to such conditions, exceptions, and modifications as they think necessary; and on the advance being paid into the High Court, such fiat shall have effect as if it were a vesting order made by the Commission in relation to the holding purchased, and the provisions of this Act referring to vesting orders shall apply and be construed accordingly.

54 & 55 Vict.  
c. 61.

(2.) The Land Commission shall, immediately after the vesting order or fiat, prepare and transmit to the registering authority under the Local Registration of Title (Ireland) Act, 1891, the prescribed particulars as to the holding, in order that the title of the purchaser to the ownership of the fee simple of the holding may be registered pursuant to that Act, and on such registration the registering authority shall transmit the land certificate to the Land Commission, to be held by them until the advance has been repaid.

(3.) Section thirty-four of the said Act (which relates to the correction and rectification of the register) shall extend to a vesting order or fiat as if it were the register.

(4.) An agreement for purchase, a vesting order, or fiat, shall not operate to convert the interest of the purchaser into real estate.

As to re-  
demption or  
apportion-  
ment of  
annuities,  
rentcharges,  
&c., under  
50 & 51 Vict.  
c. 53, ss. 15,  
16.

27.—(1.) For the purpose of the distribution of, or other dealing with, an advance paid into the High Court under this Act, sections fifteen and sixteen of the Land Law (Ireland) Act, 1887, and any other unrepealed enactment in the Land Purchase Acts, or this Act, relating to the redemption or apportionment of charges on holdings or otherwise to the distribution of the purchase money of a holding, shall apply as if the High Court were the Land Commission and the money paid into that Court were the holding.

(2.) Where any annuity, rentcharge, or rent, ordered under the said sections to be redeemed is subject to any incumbrance as defined by the Land Law (Ireland) Act, 1887, the High Court shall have the same power in relation to that incumbrance under the said section fifteen as that Court would have if the incumbrance were charged upon the land sold.

(3.) For the purpose of an agreement respecting the redemption price of any annuity, rentcharge, or rent apportioned under the said section sixteen, the High Court may determine the parties by whom such agreement may be made or by whom the consent may be given for the determination of the price by the High Court.

(4.) The said sections as amended by this section shall apply to any contingent liability for any annuity, rentcharge, or rent, in like

manner as they apply to the annuity, rentcharge, or rent itself, and where any contingent liability has no appreciable value, the money may be distributed without regard to such liability.

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28.—(1.) A holding vested in a purchaser by a vesting order under this Act shall continue to have appurtenant thereto and to be subject to, as the case may be, any previously existing easements, rights, and appurtenances; and any privilege previously in fact enjoyed, whether by permission of the landlord or otherwise, in such manner and for such time that, if the holding had belonged to a different owner from the rest of the estate, it would have been an easement or right, shall be an easement or right within the meaning of this section, and shall be appurtenant to or exercisable over the holding, as the case may be.

As to easements, &c., when vesting order is made. See 54 & 55 Vict. c. 49, s. 31.

(2.) The vesting order may, if the Land Commission think fit, declare that the sale is made subject to or free from any particular easement, right, or appurtenance, and such declaration shall have full effect.

29.—(1.) Where an agreement for the purchase of a holding is made after the commencement of this Act, and the Land Commission make an advance for such purchase, the purchaser shall be discharged from all liability to the vendor in respect of any liabilities affecting the holding at the date of the agreement, including all rent and arrears existing between the landlord and the tenant; but if the advance is refused the agreement shall be void, and the tenant shall be liable to pay rent as if the agreement had not been made.

Liability for arrears of rent, and interest on purchase money after agreement to purchase. See 51 & 52 Vict. c. 49, s. 3.

(2.) Interest at the rate agreed on, or if no rate is agreed on, at the rate of *four* per cent per annum, on the purchase money from the date of the said agreement until the day from which the purchase-annuity begins, shall be payable half-yearly on the *first day of May* and *first day of November* by the purchaser, and shall be paid to, and be collected and recoverable by, the Land Commission, in like manner as if it were an instalment of the purchase annuity charged upon the holding, and when received by them shall be paid to the person in receipt of the rent at the date of the agreement or such other person as may prove himself to be entitled thereto, and if the advance is refused, shall be allowed by the landlord to the tenant as a payment on account of rent.

54 & 55 Vict. c. 57.

30. Where a sale of a holding is made by a landlord to a tenant in consideration of the tenant paying a fine and engaging

Advances for purchase.



A.D. 1896.

PART III.  
of holding  
subject to a  
rentcharge.

to pay to the vendor a rentcharge, the Land Commission may, if satisfied with the security, make an advance under the Land Purchase Acts as amended by this Act to the tenant for the purposes of such purchase of any sum not exceeding the amount of the fine payable to the landlord, subject as follows :—

- (a.) The advance shall not exceed the saleable value of the landlord's interest in the holding after deducting such sum as appears to the Land Commission to be the capital value of the rentcharge. 5
- (b.) The advance shall not be made where the rentcharge exceeds half the rent which, in the opinion of the Land Commission, would be a fair rent for the holding. 10
- (c.) An ejectment for nonpayment of rent shall not be brought in respect of the rentcharge.
- (d.) The rentcharge shall be reserved in the vesting order, but the purchase annuity shall have priority over such rentcharge. 15
- (e.) The Land Commission may, if satisfied with the security, make a further advance for the redemption of the rentcharge in like manner as for the purchase of the holding.
- (f.) Where a holding is sold under this section the powers conferred by the Land Purchase Acts and this Act for the apportionment of charges shall extend to an apportionment of charges between the purchase money and the rentcharge, and the provisions of section fifteen of the Land Law (Ireland) Act, 1887, with respect to the acceptance by an incumbrancer of the purchase money in part discharge of his incumbrance shall apply as if the rentcharge were other lands within the meaning of those provisions. 20 25

30 & 31 Vict.  
c. 33.

Terms of  
redemption  
of tithe rent-  
charge in  
case of sale.  
50 & 51 Vict.  
c. 33.

35 & 36 Vict.  
c. 70.

31.—(1.) Where the Land Commission, in pursuance of section fifteen of the Land Law (Ireland) Act, 1887, order the redemption of tithe rentcharge at a price not less than *twenty* times the net amount of such tithe rentcharge, after making such deduction in respect of rates as is provided by section seven of the Irish Church Act, 1869, Amendment Act, 1872, the consent of the Treasury shall not be required to such redemption. 30 35

32 & 33 Vict.  
c. 42.

(2.) The foregoing enactment shall not apply to any annual sum payable to the Land Commission under section thirty-two of the Irish Church Act, 1869, as amended by any other Act, but the Land Commission may order the redemption of such tithe rentcharge at a sum calculated on the basis of the annual sum being for a term of *forty-five* instead of *fifty-two* years. 40

**32.**—(1.) The Land Commission upon the sale of a holding under section thirty of the Land Law (Ireland) Act, 1861, or under any power of sale, may sell the holding in lots. A.D. 1866.

(2.) Section fifteen of the Purchase of Land (Ireland) Act, 1855, as amended by this Act, shall extend to a sale of a holding by the Land Commission, as successors to the Commissioners of Church Temporalities in Ireland. PART III.  
Sale of holding by Land Commission.  
44 & 45 Vict.  
c. 40. s. 30.  
45 & 46 Vict.  
c. 73.

(3.) Where a holding is subject to the future payment of an annuity, and the Land Commission sell it in lots, or a portion of any such holding is required for any of the purposes mentioned in section five of the Land Law (Ireland) Act, 1861, for which a holding may be resumed, the Land Commission may apportion the annuity in such manner as they deem expedient.

(4.) Where the Land Commission sell a holding, the purchase money shall be paid and distributed as if it were the purchase money of a holding sold by a landlord to a tenant.

**33.** The power conferred on the Lord Lieutenant by subsection two of section five of the Purchase of Land (Ireland) Act, 1891, to make regulations for the application of the moneys therein mentioned towards the cost of providing labourers cottages is hereby extended to include a power to make regulations for the application of those moneys towards defraying any costs incurred at any time after the passing of the said Act of 1891 in providing such cottages. Amendment  
of 54 & 55  
Vict. c. 33  
s. 5 (2) (b)  
as to money  
for labourers  
cottages.

**34.**—(1.) Where an absolute order for the sale of an estate, comprising holdings to which this section applies, has been made under the Landed Estates Court (Ireland) Act, 1858, and either a receiver has been appointed over the estate or the estate is so circumstanced that it would independently of this Act be sold without the consent of the owner as to price, the following provisions shall have effect:— Sales under  
the Landed  
Estates  
Court Act.  
21 & 22 Vict.  
c. 72.

(a.) The Land Commission shall, at the request of the Land Judge, cause the estate to be inspected, and a report to be made by two Commissioners respecting the estate, and the circumstances thereof, and the price at, and the conditions under which, the sale of the holdings to the tenants under the Land Purchase Acts can properly be made.

(b.) The Land Judge, after giving all parties, including the tenants, an opportunity of being heard, and considering the report and any offers that may be made for the purchase of the estate or any part thereof, and any other matters that may be brought before him, and the general circumstances of the estate, shall make to the person appearing to be in occupation

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as tenant of each holding on the estate, an offer to sell to him the fee-simple of the holding, at such price, and subject to such conditions, whether as to the payment of part of the price in cash, or as to the offer to one tenant being conditional on the acceptance by other tenants of the offers made to them 5 within a limited time, or otherwise, as the Land Judge may consider reasonable and just, having regard to the interest of all persons interested in the estate.

(c.) The offer shall be communicated in such manner as the Land Commission think fit to the person appearing to be in 10 occupation as tenant, and if it is accepted then on fulfilment of the conditions the said person shall be deemed to have agreed to purchase the holding within the meaning of the Land Purchase Acts, and the sale shall be completed accordingly. 15

(d.) If it appears to the Land Judge that the tenants of holdings on the estate to the extent of not less than three-fourths in number and value according to the rateable value under the Irish Valuation Acts, have accepted the offers under this section, he may, if having regard to the circumstances of 20 the case he thinks it expedient, order that the remaining tenants or any of them shall be deemed to have accepted the offers made to them, and this section and the Land Purchase Acts shall apply accordingly; provided that such order shall not apply to any tenant if the purchase-money of his holding 25 would exceed the limitation on the amount of the advance imposed by section two of the Purchase of Land (Ireland) Amendment Act, 1888, and the holding of such tenant shall not be taken into consideration in estimating the three-fourths above mentioned. 30

51 & 52 Vict.  
c. 49.

(e.) Where a receiver has been appointed over part of an estate this section shall apply to that part in like manner as if it were an estate.

(f.) The foregoing provisions of this section shall apply only to holdings which are agricultural or pastoral, or partly agricul- 35 tural and partly pastoral.

(2.) Any person in occupation of and paying rent for a parcel of land (including the owner of an estate in occupation of a mansion house or demesne forming part of the estate) held under a letting by the Land Judge or Receiver Judge may agree to purchase such 40 parcel of land, and the same shall be deemed a holding and such person a tenant, and the Land Judge or Receiver Judge, as the

case may be, a landlord within the meaning of the Land Purchase Acts. A.D. 1896.

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- (3.) At any time after an absolute order for the sale of an estate or part of an estate has been made in pursuance of the Landed Estates Court (Ireland) Act, 1858, the foregoing provisions of this section so far as they are applicable may upon the application of the owner be applied to such estate, although a receiver has not been appointed over the estate, and the estate is not so circumstanced that it would, independently of this Act, be sold without the consent of the owner as to price; provided that no advance shall be made to the owner to purchase any mansion house or demesne forming part of the estate. 21 & 22 Vict. c. 72.

(4.) Rules under Part Two of this Act may be made for carrying into effect this section.

- 15 **35.** Any person aggrieved by the order of a Land Commissioner acting alone in carrying the Land Purchase Acts as amended by this Act into effect, may, if such Commissioner was not a Judicial Commissioner and the question is one of law, require the case to be reheard by a Judicial Commissioner, and in any other case may  
20 require the question to be reconsidered by a Judicial Commissioner and two other Commissioners; provided that if the Judicial Commissioner thinks it desirable the case shall be re-heard by those three Commissioners. Appeals under Land Purchase Act.

## PART IV.

PART IV.

### 25 CONGESTED DISTRICTS BOARD.

- 36.**—(1.) Where the Congested Districts Board have agreed to purchase land, whether in a congested districts county or elsewhere, the Land Commission, on a request from the Board stating the congested districts county for the benefit of which the land is purchased,  
30 and the amount of the purchase money, shall subject as in this section mentioned advance the purchase money to the Board in like manner as if the Board were a tenant purchasing his holding under the Land Purchase Acts as amended by this Act. Purchase and sale by Congested Districts Board under the Land Purchase Acts.

- (2.) The advance shall not be made, if it exceeds, or together  
35 with any previous advance on account of the county for the

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PART IV.

54 & 56 Vict.  
c. 48.

benefit of which the land is purchased not repaid or written off will exceed, twenty-five times the share of the county in the interest on the church surplus grant (referred to in section thirty-five of the Purchase of Land (Ireland) Act, 1891), after deducting from that share any prior charges, whether under this section or otherwise, including such proportion of contingent charges under Part Two of the Purchase of Land (Ireland) Act, 1891, as the Treasury may fix. 5

(3.) The advance shall be repaid by the Board by an annuity of the same amount, and involving the same interest and sum for repayment of capital as if it were an annuity payable by a tenant purchasing his holding, and the amount of such annuity shall be deducted by the Land Commission from the interest on the church surplus grant. 10

(4.) A tenant of any land purchased by the Congested Districts Board shall not have a right to apply to have a fair rent fixed for his holding unless a fair rent had been fixed therefor before the purchase. 15

(5.) Where the Land Commission make an advance to a tenant for the purchase of his holding from the Congested Districts Board, the amount of the advance shall be written off the debt due from the Board for advances made to them on account of the congested districts county for the benefit of which the Board purchased the land, in such manner as may be arranged between the Land Commission and the Board and shall be treated as the redemption of a proportionate part of the annuities payable by the Board to the Land Commission. 20 25

(6.) Where land is purchased by the Congested Districts Board for the benefit of more than one congested districts county, the Board shall state in their request to the Land Commission the proportion of the purchase money which is to be treated as being advanced for the benefit of each county.

54 & 56 Vict.  
c. 48.

(7.) The Land Commission shall not make any advance in respect of any purchase by a tenant from the Board of a small holding, as defined in the Purchase of Land (Ireland) Act, 1891. 35

(8.) The Congested Districts Board shall not buy any land held under a lease for a term of years of which less than sixty are unexpired at the time of the sale, unless they hold or buy the reversion expectant upon the determination of such lease.

37.—(1.) The Congested Districts Board may sell land to a tenant of a small holding for the price agreed upon, and credit the purchaser with the whole or any part of the purchase money, and such purchase money shall be secured to the satisfaction of the Board, and be payable by such annuity, payable half-yearly, and calculated at such rate of interest as may be agreed on.

(2.) For carrying such sale into effect the Trustees of the Congested Districts Board may convey the land to the purchaser charged with the said annuity; but the conveyance shall not operate to convert the interest of the purchaser in the holding into real estate.

(3.) The particulars of any such conveyance may be communicated to the Land Commission, and thereafter they shall issue half-yearly applications for payment of the half-yearly instalments of the annuity charged on the holding, and shall credit or pay to the Congested Districts Board all sums received by the Commission in respect thereof, and shall furnish to the Board particulars of all instalments for which they issue applications under this section, showing which have and which have not been paid.

(4.) The Trustees of the Congested Districts Board shall have for the recovery of any such instalments unpaid the same remedies as the Land Commission have for the recovery of unpaid instalments of an annuity under the Land Purchase Acts.

(5.) Holdings purchased under this section, while subject to any annuity for the payment of purchase money, shall not be subject to the provisions of the Local Registration of Title (Ireland) Act, 1891, but shall be subject to all the provisions of the Land Purchase Acts respecting a holding subject to an annuity under those Acts; and the power under those provisions to require a holding to be sold when subdivided by reason of the death of the proprietor may be exercised within *twelve months* after the subdivision becomes known to the Congested Districts Board, notwithstanding that it is more than twelve months after the death.

(6.) Whenever, upon the amalgamation of small holdings, part of the amalgamated holding is subject to an annuity under this section, and the amalgamated holding is not a small holding, the Congested Districts Board may agree with the occupier of such amalgamated holding for the purchase by him of that holding under the Land Purchase Acts, and the Land Commission may sanction the agreement and make an advance as if such occupier

A.D. 1896.

PART IV.

Sales by Congested Districts Board of small holdings otherwise than under Land Purchase Acts.

54 &amp; 55 Vict. c. 60.

A.D. 1896. was in occupation of the whole of such holding under a contract of  
 PART IV. tenancy.

(7.) On such last-mentioned advance being made by the Land Commission, the balance of the principal of the purchase money payable by the annuity under this section shall be treated as repaid to the Board out of the advance, and the purchaser and the holding shall be discharged from all liability in respect of the said annuity.

Rules for Part of Act. 38. Rules for carrying into effect this Part of this Act may be made by the Lord Lieutenant after communication with the Land Commission and the Congested Districts Board. 10

## PART V.

## PART V.

## EVICTED TENANTS.

Re-enactment with modifications of 64 & 55 Vict. c. 48. s. 13. 39. Section thirteen of the Purchase of Land (Ireland) Act, 1891, is hereby re-enacted, and shall have effect with the modifications following:— 15

(a.) *Twelve months* of the commencement of this Act shall be substituted for six months of the passing of this Act;

(b.) The section shall not extend to a holding the tenancy of which has been determined since the fifth day of August one thousand eight hundred and ninety-one. 20

Application to Land Commission for re-instatement of tenant or for purchase of holding. 40.—(1.) Where the tenancy of a holding has been determined at any time between the first day of May, one thousand eight hundred and seventy-nine, and the sixth day of August one thousand eight hundred and ninety-one, the landlord or the former tenant of the holding, or both jointly may, within *twelve months* of the commencement of this Act, apply in the prescribed manner to the Land Commission to act as mediators with a view to the reinstatement of the tenant in the holding or with a view to the purchase of the holding by the tenant. 25

(2.) Upon any such joint application with a view to reinstatement, the Land Commission may declare the terms and conditions as to rent, and the payment of arrears or otherwise upon which they 30

consider that it would be reasonable that the former tenant should be reinstated in the holding, and upon the parties consenting within the prescribed time and in the prescribed manner, may make an order reinstating the tenant in his holding upon the said terms and conditions.

A.D. 1895.

PART V.

(3.) Upon any such joint application with a view to the sale of the holding, the Land Commission may declare the amount of the advance which they are prepared to sanction, and the conditions (if any) to be fulfilled previously to the making of such advance, and upon the parties consenting within the prescribed time and in the prescribed manner, may order an advance, subject to the said conditions in like manner as if an agreement had been made under section thirteen of the Purchase of Land (Ireland) Act, 1891, as re-enacted by this Act.

54 & 55 Vict.  
c. 48.

(4.) Upon such application, whether for reinstatement or for a sale being made by either the landlord or the former tenant of the holding, the Land Commission may, if they think fit after making such inquiry as they think advisable, serve upon the party not having made the application a notice calling upon him to state whether he consents to the application being treated as a joint application and—

(a) If he consents within the prescribed time, the Land Commission may proceed under this section in like manner as if the application was a joint application; but

(b) if he does not so consent, no further proceedings shall be taken upon such application.

(6.) Every order under this section shall be binding upon all persons, and be final and conclusive.

(7.) An order under this section shall not be made in the case of a holding which, on the first day of January one thousand eight hundred and ninety-six, was in the occupation of a tenant.

(8.) For the purposes of this section, the expression "former tenant" shall include the personal representative of the former tenant.



## PART VI.

## SUPPLEMENTAL.

A.D. 1895.

PART VI.

Definitions.

41.—(1.) In this Act, unless the context otherwise requires—

The expression “dwelling-house” includes any out-house, curtilage, and garden appurtenant thereto: 5

The expressions “landlord” and “tenant” include respectively the predecessors in title of a landlord or tenant:

83 &amp; 84 Vict.

c. 46.

45 &amp; 46 Vict.

c. 38.

53 &amp; 54 Vict.

c. 69.

The expression “limited owner” means a limited owner within the meaning of section twenty-six of the Landlord and Tenant (Ireland) Act, 1870, and includes any person having the powers 10 of a tenant for life under the Settled Land Acts, 1882 to 1890:

The expression “lease” includes an agreement for a lease:

44 &amp; 45 Vict.

c. 49.

50 &amp; 51 Vict.

c. 33.

54 &amp; 55 Vict.

c. 57.

53 &amp; 54 Vict.

c. 46.

The expression “Land Law Acts” means the Land Law (Ireland) Act, 1881, except Part V. thereof, the Land Law (Ireland) Act, 1887, except Part II., and the Redemption of Rent 15 (Ireland) Act, 1891, and does not include the Landlord and Tenant (Ireland) Act, 1870, except so far as the provisions of it are necessary for giving effect to the above-mentioned portion of the Land Law (Ireland) Act, 1881:

54 &amp; 55 Vict.

c. 48, 57.

The expression “Land Purchase Acts” means the Purchase of 20 Land (Ireland) Act, 1891, the Land Purchase Acts as therein defined, and the Redemption of Rent (Ireland) Act, 1891.

The expression “judicial rent” means a fair rent, whether fixed by the Court or by agreement or arbitration or by demand of the landlord accepted by the tenant, and any 25 reference to an application to fix a fair rent shall include a reference to an agreement to fix a fair rent or to refer to arbitration the fixing of a fair rent, or to the demand of an increased rent by the landlord.

The expression “prescribed” means prescribed by rules made 30 by the Land Commission, save that where the expression refers to financial matters, it shall mean prescribed by rules made by the Treasury, and where the expression relates to matters connected with the Land Judge, it shall mean prescribed by rules made under Part Two of this Act: 35

The expression “Receiver Judge” means the judge assigned under section nineteen of the Purchase of Land (Ireland) Act, 1885, for the execution of the duties in that section mentioned.

48 &amp; 49 Vict.

c. 73.

(2.) In the definition of "holding" contained in the Land Law (Ireland) Act, 1881, "parcel of land" shall be deemed to include an undivided share of land, whether held alone, or held under the same contract of tenancy with land held in severalty.

A.D. 1896.  
PART VI.  
44 & 45 Vict.  
c. 49.

- 5 (3.) Any jurisdiction vested by this Act in the High Court in relation to the purchase money under the Land Purchase Acts, or otherwise in relation to those Acts, shall, subject to rules of court, be exercised by the Land Judge.

- 10 42.—(1.) Part One of this Act shall, save as is by this Act expressly provided, apply to every proceeding pending at the commencement of this Act.

Application  
and construction  
of Parts  
of Act.

- 15 (2.) An application to fix a fair rent for a holding shall not be refused on the ground of any previous decision with reference to the holding or any part thereof, whether between the same parties or otherwise, if such application can be sustained under this Act or any of the Land Law Acts as amended by this Act.

- 20 (3.) Parts One and Two of this Act shall be construed as one with the Land Law Acts, and together with those Acts may be cited as the Land Law Acts, and shall apply to all holdings to which the Land Law Acts, or any of them, as amended by this Act, apply, and section twenty-two of the Land Law (Ireland) Act, 1881, shall apply as if the said Acts and Parts of this Act were part of the foregoing provisions of the said Act of 1881, within the meaning of the said section.

44 & 45 Vict.  
c. 49.

- 25 (4.) Parts Two, Three, and Five of this Act shall be construed as one with the Land Purchase Acts as herein defined, and, together with those Acts may be cited as the Land Purchase Acts.

- 30 (5.) Part Four of this Act shall be construed as one with the Congested Districts Board (Ireland) Acts, as defined in the Congested Districts Board (Ireland) Act, 1894, and together with those Acts may be cited collectively as the Congested Districts Board (Ireland) Acts.

47 & 48 Vict.  
c. 50.

43. This Act may be cited as the Land Law (Ireland) Act, 1896.

- 35 44. The Acts specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Repeal of  
Acts.

A.D. 1896.

## SCHEDULE

## ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.	
33 & 34 Vict. c. 46.	Landlord and Tenant (Ireland) Act, 1870.	Sections thirty-five, thirty-seven, and thirty-nine.	5
44 & 45 Vict. c. 49.	Land Law (Ireland) Act, 1881.	<p>In section eight, sub-section two, from "as from the period" down to "decision of the court," and sub-section three, from "from the rent day" down to "has been given"; and from "with this modification" to "by him for such purpose," being the end of the sub-section.</p> <p>Section twenty-four, from "as follows" to "fair rent of the holding," being the end of sub-section one.</p> <p>In section twenty-six from "the Land Commission may advance" down to "payable by the tenant," being sub-section four.</p> <p>Section twenty-eight from the beginning down to "purchaser therein mentioned," being sub-sections one and two.</p> <p>In section thirty, sub-section three, from "on the terms" down to "1870."</p> <p>Section thirty-three.</p> <p>Section thirty-seven.</p> <p>In section thirty-eight, sub-section one, down to "civil bill court, and"; sub-section six and sub-section seven.</p> <p>In section forty-four, the words "except the power of hearing appeals"; and from "with this qualification" to the end of the section.</p> <p>Section forty-seven.</p> <p>In section fifty, sub-section one, paragraph (c), paragraph (f), paragraph (g).</p> <p>In section fifty-eight, sub-sections two, three, and four.</p>	<p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p>

Section and Chapter.	Short Title.	Extent of Repeal.
5 10 15 20	48 & 49 Vict. c. 73.  Purchase of Land (Ireland) Act, 1885.	In section two, from "it shall not be lawful" to the end of the section, being paragraph (c). In section three, from "the Land Commission shall pay" down to "per annum." In section four, the words "such value to be" "calculated according to the table in the" "Schedule to this Act." Section eight. Section nine. In section ten, from "sections sixty-four" down to "Landed Estates Court Act." In section fourteen, from "the Land Commission shall register" down to "local registration." In section seventeen, from "the additional members" down to "any less number of the Land Commission." Section twenty-four.
25 30 35 40 45	50 & 51 Vict. c. 33.  Land Law (Ireland) Act, 1887.	Section one down to "passing of this Act." In section four, from "a tenant may also" to the end of the section. Section five. Section six. Section nine. Section fourteen, from "The Land Commission may if they think fit" down to "Land (Ireland) Act, 1885," being sub-sections one and two; and from "where a holding" to the end of the section, being part of sub-section three. In section sixteen, sub-section two, from "the last-mentioned power of apportionment" down to "of a conveyance," being the end of that sub-section. Section seventeen. In section eighteen, from "section thirty-four" to the end of the section, being sub-section two. Section twenty-three down to "therein and." Section thirty-two.
	51 & 52 Vict. c. 49.  Purchase of Land (Ireland) Amend- ment Act, 1888.	Section one, down to "said sub-section and." Section three. Section six.

A.D. 1895.

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 43.	The Purchase of Land (Ireland) Act, 1891.	<p>Section three.</p> <p>In section four, sub-section two, from "in paying to the guarantee fund" to the end 5 of the sub-section, being paragraph (5).</p> <p>Section seven.</p> <p>Section eight, as respects any advances made after the commencement of this Act.</p> <p>In section nine, sub-section three. 10</p> <p>In section twenty-nine, sub-section one, from "provided that" to "Act, 1881" where those words next first occur; sub-section two.</p> <p>In section forty-two, from "the expression 15 annual value" to "so determined."</p> <p>Also the following portions as respects purchases in pursuance of an agreement made after the commencement of this Act, namely:—</p> <p>In section one, sub-section one. 20</p> <p>Section two.</p> <p>In section four the words "as follows" in sub-section one and sub-section two, so far as not repealed by the foregoing provisions 25 of this schedule.</p> <p>In section fifteen, sub-section one, sub-section three, sub-section four, sub-section five, sub-section six; sub-section eleven, from the beginning down to "stock so issued, and," 30</p> <p>Section seventeen, from "by transferring" to the end of the section.</p> <p>In section twenty-seven, sub-section one, from "the sinking fund" down to "stock cancelled," being paragraph (a), and sub- 35 section two from "and so far as they relate to," to the end of the section.</p> <p>In section forty-two, the words "by the issue of stock."</p>

# Land Law (Ireland).

A

## B I L L

To further amend the Law relating to  
the Occupation and Ownership of  
Land in Ireland, and for other  
purposes relating thereto.

*(Prepared and brought in by  
Mr. Gerald Balfour,  
Mr. Chancellor of the Exchequer, and  
Mr. Attorney-General for Ireland.)*

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*Ordered, by The House of Commons, to be Printed,  
15 April 1916.*

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